

REMARKS

Title

The examiner has objected to the title as not being descriptive of the invention to which the claims are directed. Accordingly, the application is hereby amended to provide a new title which is believed to be descriptive.

Headings

The examiner has objected to the specification, stating that each section should be preceded by a heading. Applicant respectfully declines to add the headings as they are not required in accordance with MPEP §608.01(a), and could be inappropriately used in interpreting the specification.

Section headings are not statutorily required for filing a non-provisional patent application under 35 USC 111(a), but per 37 CFR 1.77 are only guidelines that are suggested for applicant's use. (See Miscellaneous Changes in Patent Practice, Response to comments 17 and 18, Official Gazette, August 13, 1996) [Docket No: 950620162-6014-02] RIN 0651-AA75 ("Section 1.77 is permissive rather than mandatory. ... [T]he Office will not require any application to comply with the format set forth in 1.77").

It is respectfully submitted that “should” as recited in MPEP §608.01(a) is suggestive or permissive, and not mandatory as in “must” or “shall”. For example, 37 CFR 1.77(b) recites:

The specification **should** include the following sections in order:
(Emphasis added)

Similarly, 37 CFR 1.77(c) recites:

The text of the specification sections defined in paragraphs (b)(1) through (b)(12) of this section, if applicable, **should** be preceded by a section heading in **uppercase and without underlining or bold type**. (Emphasis added)

By contrast, 37 CFR 1.77(b)(5) recites:

(5) Reference to a "Sequence Listing," a table, or a computer program listing appendix submitted on a compact disc and an incorporation-by-reference of the material on the compact disc (see § 1.52(e)(5)). The total number of compact discs including duplicates and the files on each compact disc **shall** be specified. (Emphasis added)

Thus, it is respectfully submitted that a distinction is made between "should" and "shall", where "should" is permissive, and "shall" is mandatory. Accordingly, it is respectfully submitted that headings are not required in accordance with MPEP §608.01(a), and withdrawal of the objection to the specification is respectfully requested.

Conclusion

In view of the foregoing amendment and comments, it is submitted that the application is in condition for allowance, without further amendment.

Respectfully submitted,

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